UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,427	01/22/2004	Jonathan Feinberg	260-007 LOT9-2003-0108US1	4906

44185 7590 06/08/2010

LOTUS AND RATIONAL SOFTWARE
David A. Dagg, Esq.
44 Chapin Road
Newton, MA 02459

EXAMINER	
ABDUL-ALI, OMAR R	

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
06/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

Office Action Summary	Application No.	Applicant(s)	
	10/762,427	FEINBERG ET AL.	
	Examiner	Art Unit	
	OMAR ABDUL-ALI	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10, 33-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 33-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following action is in response to the response filed February 10, 2010. Amended Claims 1-10, and 33-45 are pending and have been considered below.

1. The prior art rejections have been withdrawn as necessitated by applicants amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 8-10, 33, 34, 35, 36, 41, 42, 43, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. (US 6,697,840) in view of DeSimone et al. (US 6,212,548) and further in view of Werdonrfer et al. (US 7,275,215).

Claims 1, 34, and 45: Godefroid discloses a method and apparatus implementing presence awareness in collaborative systems comprising sensing a number of instant messaging sessions associated with a user of a remote computer system (column 5, lines 19-46), but does not explicitly disclose wherein said number of instant messaging sessions associated with said user of said remote computer system is a total number of display windows currently open for instant messaging sessions on said remote computer system and wherein said number of instant messaging sessions associated

with said user of said remote computer system is a plurality of instant messaging sessions. DeSimone discloses a similar method for multiple asynchronous text chat conversations that further discloses the teaching of multiple windows corresponding to different instant messaging sessions (column 14, lines 28-40). It is obvious that a chat session is presented in a window in Godefroid, and it would have been obvious to one having ordinary skill in the art at the time the invention was made to sense a multitude of instant messaging sessions presented in display windows in Godefroid. One would have been motivated to sense a plurality of instant messaging sessions in order to allow a user to keep track of all chat participants.

Godefroid discloses conveying said number of instant messaging sessions from remote user to an awareness server application process (column 5, lines 19-46);

Godefroid discloses conveying said number of instant messaging sessions from remote user to an awareness client application process executing on a local computer system (column 5, lines 19-46);

Godefroid discloses presenting, by awareness client application process, said number of instant messaging sessions in a display for said local computer system (column 5, lines 19-46), but does not explicitly disclose presenting the number responsive to said local computer system selecting said remote computer system user. Werdonrfer discloses a similar system that further discloses presenting user information in a pop up information screen responsive to a user selecting a user representation (Figure 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to present the number of instant messaging sessions

responsive to selecting a remote computer system user in Godefroid. One would have been motivated to present the number of instant messaging sessions in response to the computer system user selecting a remote computer system user in order to display information related to a contact.

Claims 2 and 35: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and 34above, and Godefroid further discloses:

a. sensing activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system (column 5, lines 19-46);

b. conveying said activity level from remote computer system to awareness server application process (column 5, lines 19-46);

c. presenting, by awareness application process, activity level associated with user of remote computer system in said display for said local computer system (column 5, lines 19-46).

Claims 3 and 36: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 2 and 35 above, and Godefroid further discloses:

a. presenting said number of instant messaging sessions and activity level simultaneously in said display for said local computer system (column 5, lines 19-46).

Claims 8 and 41: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and 34 above, and Godefroid further discloses:

a. presenting modal dialog box in response to detection of a request by user of local computer system for instant message system with user of remote system, includes indication of whether or not to terminate said request (column 5, lines 52-55).

Claims 9 and 42: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and 34 above, and Godefroid further discloses:

a. presenting an interface to said local user that indicates whether a number of instant messaging associated with said user of said local computer system is to be shared with other users (column 6, lines 12-18).

Claims 10 and 43: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and above, and Godefroid further discloses:

a. presenting an interface that enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with local user is to be shared (column 6, lines 12-18).

Claims 33 and 44: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and above, and DeSimone further discloses displaying, by said awareness client application process, information indicating which participant initiated each of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system (column 13, lines 60-67; Fig. 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present an identity of an initiator of each of said instant messaging sessions associated with said user of said remote computer system in Godefroid. One would have been motivated to present the identity of an initiator of each instant messaging session for tracking purposes.

4. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. (US 6,697,840) in view of Werdonrfer et al. (US 7,275,215), further in view of DeSimone et al. (US 6,212,548) and further in view of Brin (US 7,124,372).

Claim 4: Godefroid, DeSimone, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 3 above, but neither reference explicitly discloses that the activity level reflects a time at which the most recent keystroke was entered by said user of said remote computer system. However, Godefroid does disclose that the start time and end time of a collaboration session is available to users (column 7, lines 52-54). Brin discloses a similar method implementing presence awareness in collaborative systems that further discloses

placing a timestamp on each press of the 'Enter' key of a keyboard (column 13, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a time stamp could be applied to any message sent by a user in Godefroid. One would have been motivated to determine the time the most recent keystroke was entered for record keeping purposes, and to keep track of a user's presence on their computer terminal.

Claim 5: Godefroid, DeSimone, Werdonrfer, and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 4 above, and Brin further discloses said activity level associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions (column 13, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a time stamp could be applied to any message received from a remote user in Godefroid. One would have been motivated to determine the time at which a most recent text message was received by a remote user for record keeping purposes.

Claim 6: Godefroid, DeSimone, Werdonrfer, and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 5 above, and Godefroid further discloses:

a. activity level indicating time at which instant messaging session was initiated (column 7, lines 52-54).

Claim 7: Godefroid, DeSimone, Werdonrfer, and Brin disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 5 above, and Godefroid further discloses:

a. sensing identity of at least one other participant in an instant messaging session with said user of said remote computer system (column 5, lines 19-46);

b. conveying said identity from said remote computer system to said awareness server application process (column 5, lines 19-46);

c. presenting said identity of at least one other participant in said display for said local computer system (column 5, lines 19-46).

Response to Arguments

5. Applicant's arguments filed February 20, 2010 have been fully considered but they are not persuasive.

Claim 1: Applicant argues, "Neither Godefroide or DeSimone include any teaching as to a need for a remote computer system to determine how many windows are open on the remote computer system for instant messaging sessions associated with a remote user." The Examiner respectfully disagrees. Godefroid discloses a user may inquire about the presence of a remote user, including whether the user is in a collaboration session such as chat, and who

the participants are. It is obvious that this information is provided in a chat window on the remote computer system user's computer. If a computer system user in a collaboration session such as chat, a total number of windows open may be a single window. DeSimone is incorporated to provide an example of a chat window.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 9:30 - 7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
5/21/2010

/Kieu Vu/
Supervisory Patent Examiner, Art Unit 2173